

COMMITTEE ON GOVERNMENT REFORM

TOM DAVIS, CHAIRMAN



MEDIA ADVISORY

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Davis Committee To Examine The Fractured D.C. Mental Retardation and Developmental Disabilities Administration

What: Government Reform Committee Oversight Hearing,
“Disabled Services in the District of Columbia: Who is Protecting the Rights of D.C.’s Most Vulnerable Residents?”

When: FRIDAY, June 16, 2006 at 10:00 A.M.

Where: ROOM 2154, RAYBURN HOUSE OFFICE BUILDING

Background: This hearing will examine the District of Columbia’s Mental Retardation and Developmental Disabilities Administration, which is the subject of a 30-year lawsuit, *Evans v. Williams*, as well as continuing concern about the quality of care it provides.

Under the *Evans* case, city residents with developmental disabilities can live in the least restrictive environment in an individualized community setting. The city is responsible for ensuring the safety and protection of this vulnerable population.

However, due to the fractured nature of the city’s system, MRDDA does not have complete authority over key functions required for it to operate effectively and provide quality treatment, health care, and other services to the developmentally disabled. Enforcement, personnel, licensing, and contracting authorities are held by disparate agencies in the city government, making accountability difficult.

This hearing will feature top D.C. officials responsible for the agency, including the current head of the troubled MRDAA and Former Director Marsha Thompson, who was recently fired by Mayor Anthony Williams.

The Committee has conducted oversight of several D.C. agencies and departments that have been the subject of lengthy lawsuits, many of which resulted in court-appointed receiverships, including the child welfare system, mental health services, and the housing authority. Upon taking office in 1999, Mayor Williams vowed to end the receiverships. The city has achieved these goals. Unfortunately, similar efforts have not been applied to MRDDA and the *Evans* case.

In the 1990s, the District's failure to comply with court orders in this case led to contempt findings and fines levied against it. Media reports chronicled deaths, abuse, and neglect of developmentally disabled individuals living in D.C. group homes as well as profiteering by some vendors operating the homes.

By 2001, the various parties to the *Evans* case had agreed on a Compliance Plan, which lays out the goals, deadlines, and outcome criteria the city must meet before the case is dismissed. The city has had difficulty complying with the court orders, due at least in part to its fractured system of services for the developmentally disabled.

MRDDA is part of the Department of Human Services, but critical decision making is spread out the across the city, including the Department of Health and the Department of Consumer and Regulatory Affairs. The inability of agencies with varying levels of responsibility for the MRDDA population to communicate effectively has added to the failure to act timely and decisively. In December 2003, the court ordered the city to appoint a deputy mayor or other senior official to coordinate the day-to-day efforts of all of the D.C. agencies with responsibilities related to compliance with the court orders.

Currently, there are approximately 750 *Evans* class members living in group homes, nursing facilities, and private residences in the city. However, the services and care they receive still do not meet constitutional standards. Recently, the plaintiffs filed a request to establish a court-appointed receiver. A hearing will be held on June 29 on this issue.

Last month, the District Council voted to cut nearly \$15 million from the MRDDA budget, approving \$61 million instead of the \$76 million requested. Council members complained that the agency overspent its budget while providing poor services. On June 6, 2006, the Mayor appointed yet another administrator of MRDDA in an effort to stave off a receivership. Kathy Elmore Sawyer, a retired commissioner of Alabama's mental health department, is the acting administrator and the 19th head of the agency in a dozen years.

Examples of disarray in these services are still evident. The court monitor reported in February that a woman and three men had died since November 2004 because of inadequate health care. The report attributed

the deaths to a pattern of neglect in the homes and lack of oversight. The court monitor stated that “for a period of over one year, the District repeatedly failed to notify providers of the results of mortality investigations conducted by its own reviewer. As a result, corrective actions were never discussed, let alone implemented or evaluated.”

Witnesses:

Robert C. Bobb, Deputy Mayor/City Administrator, District of Columbia

Brenda Donald Walker, Deputy Mayor of Children, Youth, Families, and Elders, District of Columbia

Marsha Thompson, Former Director, Mental Retardation Development and Disabilities Administration

Holly Morrison, Vice President and Chief Administrative Officer, The Council on Quality and Leadership

Robert M. Gettings, Executive Director, National Association of State Directors of Developmental Disabilities Services

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